



Marijuana Prohibition Facts

- Relatively few Americans had even heard about marijuana when it was first federally prohibited in 1937. Today, 52% of Americans admit to having tried it,[\[1\]](#) and 42 million say they have used it in the past year.[\[2\]](#)
- According to government-funded researchers, high school seniors consistently report that marijuana is easy to get, despite a decades-long drug war. From 1975-2012, 80-90% of 12th graders consistently reported that marijuana was “fairly easy” or “very easy” to obtain. For the first time since the survey began 40 years ago, high school seniors’ perception of marijuana’s availability has dipped below 80% — *after* states began to legalize cannabis. As of 2019, 78.4% of high school seniors perceived marijuana as “fairly easy” or “very easy” to obtain.[\[3\]](#)
- Government data has shown that reforming marijuana laws, including by legalizing marijuana for adults 21 and older, has not resulted in teenagers using more marijuana.[\[4\]](#)
- Hundreds of thousands of individuals are arrested for marijuana each year in the U.S. Many more are stopped and searched based on the supposed smell of cannabis, creating unnecessary police interactions that put individuals at risk. In 2019 alone, data collected by the FBI reports 663,367 marijuana arrests and citations — more than for all violent crimes combined. One person is arrested or cited for marijuana every 48 seconds. About 90% are for possession, not manufacture or distribution.[\[5\]](#)
- Every comprehensive, objective government commission that has examined marijuana use and its prohibition throughout the past 100 years has recommended that adults should not be criminalized for using marijuana.[\[6\]](#)
- In 2012, the last year for which data is available, federal government figures indicated there were more than 40,000 Americans in state or federal prisons on marijuana charges, not including those in county jails.[\[7\]](#) That’s more than the number imprisoned on all charges combined in eight European Union countries.
- A federal survey found that 4.4% of former state prison inmates had been sexually victimized the last time they were incarcerated. Females were almost twice as likely to be victimized by other inmates than males.[\[8\]](#)
- Civil forfeiture laws allow police to seize the money and property of suspected marijuana offenders — charges need not even be filed. The claim is against the property, not the defendant. The owner must then prove that the property is “innocent.” Enforcement abuses stemming from forfeiture laws abound.[\[9\]](#)
- A sample estimate from the Congressional Research Service estimated that replacing marijuana prohibition with regulation and imposing a \$50 per ounce tax nationwide would generate \$6.8 billion in excise taxes alone.[\[10\]](#) The estimate did not count new sales taxes or income taxes

that would be generated by taking sales off the criminal market.

- Colorado and Washington have generated hundreds of millions of dollars in revenue by taking marijuana sales off of the illicit market and regulating it. Colorado generated \$290 million in adult-use marijuana taxes in 2019,[\[11\]](#) while Washington collected approximately \$460 million in fiscal year 2019.[\[12\]](#)
- Many patients and their doctors find marijuana to be a useful medicine as part of the treatment for chronic pain, the side effects of chemotherapy, AIDS-related wasting, seizures, and other ailments. Yet, the federal government allows only two patients in the United States to use marijuana as a medicine, through a program now closed to new applicants. Federal laws treat all other patients currently using medical marijuana as criminals. Doctors are presently allowed to prescribe opiates and morphine — but not marijuana.[\[13\]](#)
- Organizations that have endorsed medical access to marijuana include the American Public Health Association, AIDS Action Council, Leukemia & Lymphoma Society, American Academy of HIV Medicine, National Multiple Sclerosis Society, American Nurses Association, the Epilepsy Foundation, Lymphoma Foundation of America, National Association of People With AIDS, the state medical associations of Maryland, California, and Rhode Island, and many others.
- A handful of the many editorial boards that have endorsed replacing marijuana prohibition with a system of taxation and regulation include: *The New York Times*, *Los Angeles Times*, *Seattle Times*, *Denver Post*, *The Chicago Sun-Times*, *The Baltimore Sun*, *The Boston Globe*, *Charleston Gazette-Mail*, *Orange County Register*, and the *Miami Herald*.
- Since 1996, 36 states' (plus D.C.) voters or lawmakers have approved measures to allow seriously ill people to possess and safely access medical marijuana.
- An April 2021 Quinnipiac poll found a record high 69% of Americans believe marijuana use should be legal for adults.[\[14\]](#) Several other polls, including Gallup and Pew Research, have also found 60% or greater support. Support for legal access to medical marijuana has been consistently strong (e.g., 91% support according to a Pew poll in April 2021).[\[15\]](#)
- Eighteen states have legalized, regulated, and taxed cannabis for adults 21 and older — Alaska, Arizona, California, Colorado, Illinois, Maine, Massachusetts, Michigan, Montana, Nevada, New Jersey, New Mexico, New York, Oregon, South Dakota, Vermont, Virginia, and Washington. In Washington, D.C., adults may possess and cultivate marijuana, but Congress has prevented the District — which has less autonomy than states — from legalizing, taxing, or regulating adult-use marijuana sales.
- In Colorado, the first state where retail sales began for adults' use, taking marijuana off the criminal market and regulating it has created many thousands of jobs. Nearly 40,000 employee licensees are active for jobs directly in Colorado's cannabis industry, along with 1,693 business owner licensees.[\[16\]](#)
- In addition to the 18 states where marijuana is legal for adults, 13 states have removed the possibility of jail time for possession of modest amounts of marijuana for personal use under most circumstances. Fines may be issued (somewhat similarly to traffic tickets), but there is

typically no arrest, incarceration, or criminal record.[\[17\]](#)

- Decriminalization saves a tremendous amount in enforcement costs. California saved an estimated \$857 million in 2006 alone.[\[18\]](#)
- In 2001, a National Research Council study sponsored by the U.S. government found “little apparent relationship between the severity of sanctions prescribed for drug use and prevalence or frequency of use, and ... perceived legal risk explains very little in the variance of individual drug use.” The primary evidence cited came from comparisons between states that have and have not decriminalized marijuana.[\[19\]](#)
- “Zero tolerance” and “per se” policies against “drugged driving” can result in “DUI” convictions of drivers who are not intoxicated at all. Trace amounts of THC metabolites detected by commonly used tests can linger in blood and urine for weeks after any psychoactive effects have worn off. This is equivalent to convicting someone of “drunk driving” days or weeks after he or she drank one beer.[\[20\]](#)
- The arbitrary criminalization of tens of millions of Americans who consume marijuana results in a large-scale lack of respect for the law and the entire criminal justice system.
- Marijuana laws have been enforced unequally: A 2020 review of the data by the ACLU found that African Americans are more than 3.6 times as likely as whites to be arrested for marijuana possession, despite similar marijuana use rates.[\[21\]](#)
- Marijuana prohibition subjects users to added health hazards:
 - Adulterants, contaminants, and impurities: Marijuana purchased through criminal markets is not subject to the same quality control standards as are legal consumer goods. Illicit marijuana may be adulterated with much more damaging substances; contaminated with pesticides, herbicides, or fertilizers; and/or infected with molds, fungi, or bacteria.
 - Inhalation of hot smoke: One well-established risk of marijuana consumption is the fact that smoke is bad for the respiratory system. Laws that prohibit the sale or possession of paraphernalia reduce the use of vaporizers, which are proven to reduce these risks.[\[22\]](#)
- Because vigorous enforcement of marijuana laws forces the toughest, most dangerous criminals to take over marijuana trafficking, prohibition links marijuana sales to violence. According to the Congressional Research Service, more than 80,000 people lost their lives between 2006 and 2015 in Mexican drug cartel-related violence.[\[23\]](#)
- Since states began legalizing marijuana, cartels’ marijuana business has plummeted. Seizures at U.S. ports of entry have dropped from 2.4 million pounds of marijuana in 2013 to 266,882 pounds in fiscal year 2019.[\[24\]](#)
- There is no government tracking of the number of lives lost related to cannabis prohibition, but individuals have died while being incarcerated on possession charges, cannabis sellers have been killed during armed robberies, and young adults found with cannabis have been killed after being coerced into becoming police informants.[\[25\]](#)

- The underground, unregulated marijuana market leaves cannabis workers vulnerable to wage theft, sexual exploitation, and other predatory behavior.^[26] It also leaves them at risk of felony charges and deprives them of access to standard labor protections.
- Prohibition invites corruption within the criminal justice system by giving officials easy, tempting opportunities to accept bribes, steal and sell marijuana, and plant evidence on innocent people.
- Because marijuana is typically used in private, trampling the Bill of Rights is a routine part of marijuana law enforcement — e.g., no-knock raids, pretextual stops and searches, use of drug dogs, urine tests, phone taps, government informants, curbside garbage searches, military helicopters, and infrared heat detectors.

^[1] Marist College Institute for Public Opinion. *Yahoo News/Marist Poll: Weed & The American Family*, April 17, 2017. Available at: http://maristpoll.marist.edu/wp-content/misc/YahooNews/20170417_Summary Yahoo News-Marist Poll_Weed and The American Family.pdf

^[2] National Survey on Drug Use and Health, 2017-2018 NSDUH Estimated Totals by State, Table 2.

^[3] *Monitoring the Future national survey results on drug use, 1975-2019*. Ann Arbor: Institute for Social Research, The University of Michigan, Table 17. Available at: <http://monitoringthefuture.org/data/19data/19drtbl17.pdf>

^[4] For the results of every before-and-after survey, see MPP's "Teens' Marijuana Use Does Not Increase Following Marijuana Policy Reforms." Available at: <http://www.mpp.org/issues/legalization/teen-marijuana-use-does-not-increase/>

^[5] Federal Bureau of Investigation, Uniform Crime Reports, *Crime in the United States* annually. (Note: The UCR's definition of "arrests" includes citations and summons. Some, but not all, states report citations for civil offenses as "arrests." Inadequate recordkeeping makes it impossible to determine how many are arrests.)

^[6] For example, *Report of the Indian Hemp Drugs Commission, 1894*; *The Panama Canal Zone Military Investigations, 1925*; *The Marihuana Problem in the City of New York* (LaGuardia Committee Report), 1944; *Marihuana: A Signal of Misunderstanding* (Nixon-Shafer Report), 1972; *An Analysis of Marijuana Policy* (National Academy of Sciences), 1982; *Cannabis, Our Position for a Canadian Public Policy* (Report of the Senate Special Committee on Illegal Drugs), 2002, and others.

^[7] Caulkins, J. P., Hawken, A., Kilmer, B., & Kleiman, M. (2012). *Marijuana Legalization: What Everyone Needs to Know*, OUP USA.

^[8] Beck, A. J., Berzofsky, M., Caspar, R., & Krebs, C. (2013, May). Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12. Retrieved September 2016 from <http://www.bjs.gov/content/pub/pdf/svpjri1112.pdf>

^[9] U.S. Rep. Henry Hyde, *Forfeiting Our Property Rights: Is Your Property Safe From Seizure?* Cato Institute, 1995.

^[10] Jane Gravelle and Sean Lowry, “Federal Proposals to Tax Marijuana: An Economic Analysis,” Congressional Research Service, November 13, 2014.

^[11] <https://www.colorado.gov/pacific/revenue/colorado-marijuana-tax-data>

^[12] Washington State Liquor and Cannabis Board, FY 2019 Annual report, page 14 (\$390.4 million in cannabis excise taxes); Washington State Department of Revenue Marijuana Sales Tax Table, available at <https://dor.wa.gov/about/statistics-reports/recreational-and-medical-marijuana-taxes> (\$67.5 million in sales tax revenue from Q3 of 2018 to Q2 of 2019).

Monthly sales tax data:

<https://dor.wa.gov/about/statistics-reports/recreational-and-medical-marijuana-taxes>

^[13] Grinspoon, Lester, M.D., and Bakalar, J.D., “Marijuana as Medicine: A Plea for Reconsideration,” *Journal of the American Medical Association*, June 21, 1995.

^[14] Kyle Jaeger, “69 Percent Of Americans Now Support Legalizing Marijuana—An All-Time High, Quinnipiac Poll Finds,” *Marijuana Moment*, April 15, 2021; Gallup poll, “Support for Legal Marijuana Inches Up to New High of 68%,” November 9, 2020 (finding 68% support); Pew Research Center, “Americans overwhelmingly say marijuana should be legal for recreational or medical use,” (finding 60% support) April 16, 2021; CBS, “Support for marijuana legalization hits new high, CBS News poll finds,” April 19, 2019 (65%).

^[15] Pew Research Center, “Americans overwhelmingly say marijuana should be legal for recreational or medical use,” April 16, 2021.

^[16] MED Resources and Statistics, October 1, 2020:

<https://www.colorado.gov/pacific/enforcement/med-resources-and-statistics>

^[17] The states are Connecticut, Delaware, Hawaii, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Rhode Island, and Virginia.

^[18] Gettman, J. “Marijuana Arrests in the United States (2007),” *The Bulletin of Cannabis Reform*, November 2009.

^[19] National Research Council, “Informing America’s Policy on Illegal Drugs: What We Don’t Know Keeps Hurting Us,” National Academy Press, 2001; pp. 192-93.

^[20] Barry Logan, Ph.D., et al., “An evaluation of data from drivers arrested for driving under the influence in relation to per se limits for cannabis,” *AAA Foundation for Traffic Safety*, May 2016.

^[21] ACLU, “A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform,” 2020.

^[22] Abrams D.I., et al., “Vaporization as a Smokeless Cannabis Delivery System: a Pilot Study,” *Clinical Pharmacology and Therapeutics* 82(5): 572-8, November 2007.

^[23] June S. Beittel, *Mexico: Organized Crime and Drug Trafficking Organizations* (CRS Report No. R41576)

^[24] “With U.S. competition hurting its marijuana business, Mexico warms a little to legalization,” *Los*

Angeles Times, January 27, 2018; U.S. Customs and Border Protection, CBP Enforcement Statistics, Fiscal Year 2020.

^[25] See: Colbert I. King “How (and Why) Did Jonathan Magbie Die?,” *Washington Post*, October 30, 2004; Nick Wing “Homeless Man Dies In Jail After Being Locked Up For Marijuana Possession,” *Huffington Post*, March 17, 2016; *Associated Press*, “Life in prison for man who shot marijuana dealer in holdup;” Paige Gross, “College student guilty for her role in murder of marijuana dealer,” *NJ.com*, September 13, 2018; December 21, 2016; Jack Bouboushian, “Did Detroit Area Cops Send Transgender Teen to her Death?,” *Alternet*, February 20 2013.

^[26] See: Shoshana Walter, “In secretive marijuana industry, whispers of abuse and trafficking,” *Reveal News*, September 8, 2018.